

SHARTSIS FRIESE LLP
JAHAN P. RAISSI (Bar #168599)
GREGG S. FARANO (Bar #221505)
LISA A. JACOBS (Bar #230364)
One Maritime Plaza, Eighteenth Floor
San Francisco, CA 94111
Telephone: (415) 421-6500
Facsimile: (415) 421-2922
Email: jraissi@sflaw.com

Attorneys for Defendant
Paul A. Sallaberry

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MARK LESLIE, KENNETH E.
LONCHAR, PAUL A. SALLABERRY,
MICHAEL M. CULLY, and DOUGLAS
S. NEWTON,

Defendants.

Case No. C 07-3444 JF

**[PROPOSED] ORDER GRANTING
DEFENDANT PAUL A. SALLABERRY'S
MOTION TO DISMISS FRAUD CLAIMS
AND TO STRIKE CERTAIN REQUESTS
FOR RELIEF**

[Pursuant to Fed. R. Civ. P. 9(b) and 12(f)]

Date: January 18, 2008
Time: 9:00 AM
Place: Courtroom 3, 5th Floor
Judge: The Honorable Jeremy D. Fogel

Complaint Filed: July 2, 2007

Defendant Paul A. Sallaberry's motion to dismiss came on for hearing on January 18, 2008, before the Honorable Jeremy D. Fogel.

Having read the papers and considered the arguments of counsel, the Court hereby rules as follows:

Plaintiff's Complaint fails to plead the alleged fraud with particularity and that Plaintiffs are unable to cure these defects by amendment. Accordingly the Court hereby GRANTS Defendant Sallaberry's motion to dismiss Plaintiff's First, Second, Third, Fifth and Sixth Claims against him.

1 It is FURTHER ORDERED that the action be DISMISSED WITH PREJUDICE as to
2 Defendant Sallaberry, and that, there being no reason for delay, said judgment be entered
3 immediately pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

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5 DATED: _____, 2008
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Hon. Jeremy D. Fogel
United States District Court Judge

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SHARTS I S FRIESE LLP
ONE MARITIME PLAZA
EIGHTEENTH FLOOR
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